

EXHIBIT B

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1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4

5 JOHNATHAN L. BURKS,

6 Plaintiff,

7 -vs- Case No. 2:19-cv-10027

8 BENNY NAPOLEON, ET AL., Hon. Gershwin A. Drain

9 Defendants. Magistrate Anthony P. Patti

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11 DEPONENT: DEPOSITION OF COMMANDER ALAN BULIFANT

12 APPEARING REMOTELY FROM WAYNE COUNTY,

13 MICHIGAN

14 DATE: Tuesday, January 12, 2021

15 TIME: 1:00 p.m.

16

17 REPORTER: John J. Slatin, RPR, CSR-5180,

18 Certified Shorthand Reporter,

19 Appearing Remotely From

20 Oakland County, Michigan

21

22 (Appearances listed on page 2)

23

24

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<p>1 REMOTE APPEARANCES:</p> <p>2</p> <p>3 SARAH S. PRESCOTT (P70510)</p> <p>4 Salvatore, Prescott, Porter & Porter, PLLC</p> <p>5 105 East Main Street</p> <p>6 Northville, Michigan 48167</p> <p>7 (248) 679-8711</p> <p>8 prescott@sppplaw.com</p> <p>9 Appearing on behalf of the Plaintiff.</p> <p>10</p> <p>11 PAUL T. O'NEILL (P57293)</p> <p>12 (Present remotely in room with witness.)</p> <p>13 Assistant Corporation Counsel</p> <p>14 500 Griswold, 30th Floor</p> <p>15 Detroit, Michigan 48226</p> <p>16 (313) 224-5402</p> <p>17 poneill@waynecounty.com</p> <p>18 Appearing on behalf of the Defendants.</p> <p>19</p> <p>20 ALSO PRESENT REMOTELY: Mollie Berkowitz</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 Tuesday, January 12, 2021</p> <p>2 Reported Remotely from</p> <p>3 Oakland County, Michigan</p> <p>4 1:00 p.m.</p> <p>5 * * *</p> <p>6 THE REPORTER: The attorneys participating in this</p> <p>7 deposition acknowledge that I am not physically present</p> <p>8 in the deposition room and that I will be reporting this</p> <p>9 deposition remotely. They further acknowledge that, in</p> <p>10 lieu of an oath administered in person, the witness will</p> <p>11 verbally declare his testimony in this matter is under</p> <p>12 penalty of perjury. The parties and their counsel</p> <p>13 consent to this arrangement and waive any objections to</p> <p>14 this manner of reporting.</p> <p>15 Will legal counsel please indicate your agreement</p> <p>16 by stating your name, your party represented and your</p> <p>17 agreement on the record.</p> <p>18 MS. PRESCOTT: Sarah Prescott. Plaintiff agrees.</p> <p>19 MR. O'NEILL: Paul O'Neill, for Defendants. We</p> <p>20 agree as well.</p> <p>21 THE REPORTER: Thank you.</p> <p>22 Will the witness please present his</p> <p>23 government-issued identification by holding it up to the</p> <p>24 camera for verification?</p> <p>25 THE WITNESS: (Complying.)</p> <p>Page 4</p>
<p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4</p> <p>5 COMMANDER ALAN BULIFANT</p> <p>6</p> <p>7 Examination by Ms. Prescott 5</p> <p>8 Examination by Mr. O'Neill 64</p> <p>9 Re-Examination by Ms. Prescott 66</p> <p>10</p> <p>11 EXHIBITS: IDENTIFIED</p> <p>12</p> <p>13 (None offered)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 THE REPORTER: I understand you're holding up your</p> <p>2 Office of the Sheriff, Wayne County Sheriff's Sworn</p> <p>3 Commander I.D. It's got your name as you've stated it.</p> <p>4 Thank you for doing that. I appreciate it,</p> <p>5 Mr. Bulifant.</p> <p>6 If you'll raise your right hand, I'll swear you in.</p> <p>7 THE WITNESS: (Complying.)</p> <p>8 THE REPORTER: I just need a "yes" or a "no."</p> <p>9 Do you solemnly swear the testimony you're about to</p> <p>10 give will be the truth, the whole truth and nothing but</p> <p>11 the truth, so help you God?</p> <p>12 THE WITNESS: Yes.</p> <p>13 THE REPORTER: Thank you.</p> <p>14 Ready when you are, Sarah.</p> <p>15 * * *</p> <p>16 COMMANDER ALAN BULIFANT,</p> <p>17 having been first duly sworn, was examined and testified</p> <p>18 as follows:</p> <p>19 EXAMINATION</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. Hi, Commander. My name is Sarah Prescott. I hope I</p> <p>22 will not forget, but if I do and call you "Sir" or</p> <p>23 "Mister," I apologize. I'll try to use your correct</p> <p>24 title.</p> <p>25 I'm going to ask you some questions. This Zoom</p> <p>Page 5</p>

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<p style="text-align: right;">Page 6</p> <p>1 technology is – it can be a little tricky. 2 When I do, if I step on the end of your answer or 3 start to talk over you, I do not mean to do that. It's 4 just maybe that I don't sense that you have more to say. 5 Please just let me know. I'm happy to give you all 6 the time you need to answer the questions. 7 There may be times where you are anticipating the 8 end of my question, and you are ready to answer. Just 9 let me have a little pause so that our court reporter 10 can take down the end of the question and the last words 11 out of my mouth and then you can – you can speak. 12 There could be a time where Mr. O'Neill has an 13 objection. If he does so, he'll let you know whether 14 you don't answer. Otherwise, the practice is that you 15 do answer. 16 So, sometimes he objects but you still answer. 17 It's really important in this context and in every 18 deposition that we understand each other, meaning, when 19 I ask you a question and you answer it, we have to 20 assume you understood and that you are answering it the 21 best you could. 22 So, if there is a time where you don't understand, 23 maybe it's a word or what I'm getting at or what I'm 24 referring to, or it was confusing as a question to you, 25 it's important that I know that.</p>	<p style="text-align: right;">Page 8</p> <p>1 today. 2 A. I've seen part of it. 3 Q. Okay. It's two copies of the same thing. 4 A. Okay. 5 Q. One had some typos corrected in the last two or three 6 paragraphs. The first half of it, the first version, 7 the first seven pages was sent on December 18th, 2020, 8 and then we corrected some typos yesterday just in the 9 paragraphs 11 and 12. 10 Can you, for the record, let us know what – if you 11 saw the first document or the second document in this 12 set? 13 A. Can I refer to my notes? 14 Q. Yeah. 15 A. I saw the document that refers to the December 18th 16 date. 17 Q. Okay. And that document lists, with a number 1 through 18 13, some areas of questioning. 19 Is that familiar to you? 20 A. Yes. 21 Q. And are you the County's representative, prepared and 22 designated to speak on 1, 2, 7, 8, and 9 of those 23 itemized areas of questioning? 24 A. Yes. 25 Q. Thank you, Commander.</p>
<p style="text-align: right;">Page 7</p> <p>1 So, would – I would just ask you if you would 2 please let me know. 3 Is that agreeable? 4 A. Yes. 5 Q. Okay. Zoom forces us to be verbal and not to nod our 6 heads or shrug when we're not sure. But there may be a 7 time where I say – remind you you're nodding, and I say 8 "Is that a yes?" And that's just to help us keep the 9 record clear. 10 If you need a break – I don't think we'll be here 11 terribly long, but if you need a break, would you let me 12 know that as well? 13 A. Yes. 14 Q. Okay. I have a Deposition Notice that I have 15 circulated, and I'm going to put it on the screen. 16 Can you see that it's titled "United States 17 District Court" at the very top? 18 A. I only have half of it. I've got video screens on the 19 other half. 20 Q. Okay. So, what can happen is, I'm going to give you 21 control over the screen so that you can move the 22 pictures around or you can scroll down, or you can also 23 make it smaller or larger. 24 But my question is whether – and you can look 25 through this document – whether you've seen it before</p>	<p style="text-align: right;">Page 9</p> <p>1 Can you tell us what you did to get yourself ready 2 to answer the questions in those areas? 3 A. After reviewing that document, I went back and I 4 reviewed some jail policies regarding procedures and 5 operations for that time period. 6 Q. Okay. Is there anything else you did, anyone you spoke 7 to, anyone you – any documents you looked at, any video 8 you reviewed, any other steps or anything you did? 9 And the only exclusion I'll make is speaking with 10 Mr. O'Neill who is the counsel for the County. 11 A. Yes, I did speak with Mr. O'Neill, and I also reviewed 12 the internal affairs case file. 13 Q. The case file relative to Solomon's sexual assault of 14 Burks? 15 A. Yes. 16 Q. Okay. Are there other materials or documents you 17 reviewed? 18 A. No. 19 Q. For example, have you seen the Complaint? 20 A. No. 21 Q. The lawsuit? Okay. 22 A. No, I have not. 23 Q. Okay. What did you bring with you here today? 24 A. I have the document that identified I saw from the 25 December 18th date.</p>

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<p>Page 10</p> <p>1 I have -- let's see. It looks like five jail 2 policies that I had printed out, and then a copy of the 3 criminal internal affairs case against Mr. Solomon. 4 Q. Okay. And when you say "GO policies," can you tell us 5 what G and O mean? General order, or what does that 6 mean? 7 A. I'm sorry. I don't believe I said "GO." 8 Q. I apologize. That's what I heard. 9 You said five policies that you brought and there 10 was some sort of modifier? What was the word? 11 A. Oh. "Jail" policies. 12 Q. "Jail." Thank you. 13 A. Yes. 14 Q. Five jail policies. 15 Okay. Can you tell me what the numbers were for 16 those policies, or are? 17 A. The first one is Document Number 14.14. It's titled 18 "Security Video Monitoring." 19 The second one is Document 14.12. It's titled 20 "Security Division II for Security Rounds." 21 The third one is Document Number 14.3. Its title 22 is "Security Inmate Lockdown Procedure." 23 The fourth one is 14.18, "Security Formal Head Card 24 Count." 25 And the last one is Document 14.1, "Security Census</p>	<p>Page 12</p> <p>1 one, actually happens twice a shift. 2 Q. Okay. Is there anything relevant, or is there anything 3 in 14.3 or 14.18 relative to or regarding audio/video 4 equipment? 5 A. I'm just double-checking real quick. 6 No, there is not. 7 Q. Okay. And what does 14.1, when it refers to census 8 count, what is the policy about generally? 9 A. 14.1 was an original policy that 14.18 kind of 10 clarified, kind of made a little more descriptive. 11 But 14.1 talked about the head count and card count 12 and computer match of the inmates at the beginning of 13 your shift and it also said that officers would conduct 14 kind of less formal head counts at other times 15 throughout their shift to make sure that, you know, all 16 the inmates were there. 17 Q. Okay. When you -- it sounds like 14.12 and 14.14 were 18 more potentially relevant from your review in your -- as 19 you looked at them. 20 What was the issue/revision date on the policy 21 14.12 that you have with you? 22 A. November the 10th, 2015 for 14.12. 23 Q. Okay. And how about 14.14? 24 A. October the 2nd, 2006. 25 Q. I was given a copy of 14.12, and it says "Revision date</p>
<p>Page 11</p> <p>1 Count." 2 Q. Thank you. 3 In that you brought them with you to the 4 deposition, is it correct that you felt that each one of 5 those policies was relevant to one of the areas that you 6 had been designated to testify? 7 A. Not necessarily. 8 Q. Okay. That's helpful. 9 Which ones did you think were not even -- you might 10 have pulled them, you might have reviewed them, but 11 looking at them did not think that they were as relevant 12 as you at least may have thought or wanted to check? 13 A. The number for the 14.18, "Security Formal Head Card 14 Count." 15 Q. Okay. 16 A. The Number 14.3, "Security Inmate Lockdown Procedure." 17 And Number 14.1, "Security Census Count." 18 Q. Is -- the Number 14.3, the "Security Inmate Lockdown 19 Procedure," what in general is the lockdown procedure 20 referring to? 21 A. The lockdown procedure talks about how the lockdown at 22 the end of the evening at Jail Division II is conducted. 23 Q. Okay. And the head count that the 14.18 refers to, does 24 that happen once a day or once a shift? 25 A. No. The security formal head card count, the formal</p>	<p>Page 13</p> <p>1 11-12-12." 2 So, would your version be the up-to-date one if we 3 were looking at the year 2016? 4 A. I believe so, yes. 5 Q. Do you know if there was any further revisions to 14.12? 6 A. No. The one that I have is the most current one that 7 I'm aware of. 8 MS. PRESCOTT: Okay. Paul, I don't think I have 9 14.14 at all, but I -- in that I have the superseded one 10 of 14.12, and if we were at a dep, we would just pass it 11 across the table and move on, do you think that there's 12 an opportunity for you to fax or scan those so that we 13 can continue on? 14 I can reorganize my questions, but can you get 15 those to me? 16 MR. O'NEILL: Sure. I can e-mail them to you if 17 you like. 18 MS. PRESCOTT: Oh, you can just hit e-mail? Okay. 19 So, let me come back to this issue, but if you 20 could hit e-mail, that would be great. 21 MR. O'NEILL: Yeah. Can you just give me two 22 seconds to make that happen before you start another 23 question? 24 MS. PRESCOTT: Yes. 25 (Discussion held off the record.)</p>

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<p>Page 14</p> <p>1 MS. PRESCOTT: Can we go off the record for a 2 minute? 3 (Short recess at 1:17 p.m.) 4 * * * 5 (Record resumed at 1:20 p.m.) 6 BY MS. PRESCOTT: 7 Q. Commander, one of the things that you were to speak to 8 today in Number 1 is the policies written or nonwritten 9 in effect during August 2016 with regard to the 10 maintenance and use of the audiovisual equipment in 11 6 Old. 12 And a second category was the actual routines and 13 practices of those who staffed the sixth floor during 14 August of 2016. 15 Are you familiar with the actual practices of the 16 individuals who staffed the sixth floor during August of 17 2016 and specifically with regard to their use and 18 reliance on the video equipment? 19 A. Yes. 20 Q. And would administration, policymakers, the people up 21 the chain of command been aware of the practices of the 22 officers staffing that floor through their chain of 23 command in their supervisory roles in August of 2016? 24 A. Yes. 25 Q. And would you agree that the chain of command, the</p>	<p>Page 16</p> <p>1 A. Yes. 2 Q. Is there anything you know of that the practices of 3 officers on 6 Old in August of 2016 were in any way 4 departing from approved custom policy or practice? 5 A. No. 6 Q. And with regard to the maintenance of the cameras and 7 the role of the folks who had a job of making sure that 8 the cameras were operative, were those folks operating 9 consistent with command policy and practice and what was 10 the established expectation of Wayne County? 11 MR. O'NEILL: Excuse me. Object on the basis of 12 compound question. You're asking about policy, custom 13 and practice. And so that's a compound question. 14 BY MS. PRESCOTT: 15 Q. I'll take an answer. 16 A. I want to kind of like bifurcate my answer because, in 17 my mind, there's a difference between the 18 video-monitoring system working and the video-monitoring 19 system recording. 20 If I'm an off- -- 21 Q. Do you -- go ahead. 22 A. If I'm an officer and I'm sitting in my duty station and 23 my video monitor is up, and I have images on that video 24 monitor, as far as I know, as that officer is sitting 25 there, the video-monitoring system is working because</p>
<p>Page 15</p> <p>1 different supervisory officers had a duty to make sure 2 that the actual practices and the typical, customary, 3 day-to-day doing of the job of the officers on 6 Old was 4 appropriate according to the decision-makers' and 5 policy-makers' directions? 6 A. Yes. 7 We have a duty to make sure that policies are 8 followed and that people are kept safe, yes. 9 Q. And did they -- were the chain of command that were over 10 6 Old able to do that effectively in 2016? 11 A. I believe so, yes. 12 Q. With regard to the use of the audiovisual equipment and 13 the reporting of any issues with the audio/video 14 equipment, were those day-to-day activities consistent 15 with approved policy and customary practice of the 16 department? 17 A. I'm sorry. That's kind of a broad question. 18 Would you mind repeating it and maybe being a 19 little bit more specific? 20 Q. Okay. I'm speaking to in August of 2016, the officers 21 who are on the floor of 6 Old, and responsible for that 22 side of the building and those prisoners that were 23 housed there, were their use and reliance on the audio 24 and visual equipment consistent with customary policy 25 and practice of the department?</p>	<p>Page 17</p> <p>1 I'm able to see the inmate and live monitor their 2 activity. 3 There's no way for me to know, as an officer, if 4 it's being recorded in a DVR room on another floor, and 5 we're not required to have cameras or even have them 6 record. The video monitoring was a tool to aid us in 7 being able to provide more supervision for the inmates 8 and for our staff, to make sure that our staff was safe. 9 Q. Okay. I want to come back to that because something you 10 said there is -- I want to follow up on. 11 But let me clarify my question again because it was 12 a little bit different than what the duty officer 13 necessarily is doing or seeing. 14 So, I was trying to understand if, with regard to 15 the folks who had a job to do in maintaining the 16 equipment, making sure that it was operative, making 17 sure that it was reliable, those wouldn't necessarily be 18 the duty officers; right? 19 A. Correct. 20 Q. So, whoever that class of people is that are more in 21 line with maintenance of the audiovisual system, were 22 they conducting themselves according to approved policy 23 and practice in August of 2016? 24 A. I don't have some of that information because, you know, 25 the camera system was put in and maintained by an</p>

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<p>Page 18</p> <p>1 outside vendor. So, I don't know what the parameters of 2 that contract were or are. And then, you know, again, 3 the command in the building, they know the system is 4 working until it's not working, and then they make 5 notification to try and get the system back up and 6 working again. 7 And there was a period there where it goes in and 8 out. It goes up and down. And there were problems. 9 There were issues. And that's why we would institute 10 the 30-minute round policy whenever we were aware that 11 the camera system was malfunctioning. 12 Q. Okay. So, there's a few things in that answer, too, I 13 want to come back to and break down, but I want to focus 14 on the people that you said would be like the command – 15 either the lieutenants or the commanders, the officers 16 who would hear that there was an issue with the cameras 17 and make note, alert somebody, escalate it and then 18 maybe it might or might not go to the outside vendor. 19 So, that group of command officers who were aware 20 there was a problem, were they doing the job according 21 to approved custom and policy of the department in the 22 year 2016, from January to August? 23 MR. O'NEILL: Excuse me. Objection. Outside the 24 scope of the subject's designated. 25 But the witness can answer.</p>	<p>Page 20</p> <p>1 and staff. And I know that's not your exact words, but 2 did I basically get what your point was? 3 A. Yes. 4 Q. Okay. And would you agree with me that they were a tool 5 that – the cameras, that is, and the DVR were a tool 6 that was not super reliable in August of 2016 on 6 Old? 7 A. Well, I would like to say that I see the camera and the 8 DVR as two separate tools. 9 Q. Okay. 10 A. And I would say, yes, they were not very reliable. 11 Q. Okay. And for how long had that been going on by August 12 of 2016, that the reliability had really broken down? 13 A. I'm not sure of the exact time frame because I wasn't 14 involved with the maintenance at that time. 15 I can tell you, as the commander now at Jail 16 Division II, it is – still we have issues from time to 17 time with it. That's why we're doing 30-minute rounds. 18 Q. And one of the things that you've talked about is the 19 rounds and the areas that you were called on was to talk 20 about routines and practices of those who staff the 21 sixth floor regarding the use and functionality of the 22 video. 23 That's Number 2 on the list. 24 So, you've made the point that when the cameras 25 were down, the – an option would be to enhance security</p>
<p>Page 19</p> <p>1 A. My answer is yes. 2 BY MS. PRESCOTT: 3 Q. Okay. Who was the outside vendor, or what was it 4 called? 5 A. I don't know. 6 Q. And do you know of any occasion in which the staff of 7 the sixth floor, including Ward 10, from January of '15 8 through August of '16, ever called for that vendor to 9 come in and do any service on those cameras? 10 A. The staff would – the staff from the sixth floor would 11 never call. That would come from either shift command, 12 but more likely an IT person. 13 Q. Okay. 14 A. Or it may be an IT officer. 15 Q. Are you aware of anybody in those categories of whether 16 shift command or IT ever making such a call? 17 A. I don't have personal knowledge of it, but I know 18 Lieutenant Bates was a lieutenant there and Corporal 19 Britt Foreman was an officer there. And they've had – 20 they've been instrumental in the operation of the camera 21 system. 22 Q. Okay. Moments ago, you testified, and I said I wanted 23 to come back to something. You said that you don't have 24 to have cameras and you don't have to have reporting; 25 that they're a tool to enhance security both for inmates</p>	<p>Page 21</p> <p>1 a different way, by sending people on more frequent 2 rounds; is that right? 3 A. Yes. 4 Q. And, in fact, it was policy to do that; right? 5 A. Yes. 6 Q. And, in fact, some of the policies call for not just 7 rounds every 30 minutes but continuous rounds; right? 8 A. On specific housing units. 9 Q. And "continuous rounds" means just that? That you're 10 constantly walking between one and the next, or does it 11 mean something different? 12 A. No. You're walking – you're walking, you know, 13 continuously from one to the other. 14 Q. Okay. And so were there times that continuous rounds 15 were instituted in certain wards because of camera 16 inoperability? 17 A. I wasn't there. I don't have personal knowledge, but 18 I'm sure that, yes, there would have been times that 19 continuous rounds were instituted. 20 Q. How about just from January of '15 through August of 21 2016 – 22 A. I wasn't – 23 Q. – time frame? 24 A. I wasn't there at that time. 25 Q. Okay.</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. But I would venture to guess that, if the camera 2 systems, the monitoring, the video monitoring itself was 3 down on the fifth and sixth floor, then continuous 4 rounds would have been implemented. 5 Q. And why do you say that? On what is that based? The 6 fact that it was policy to do that? 7 A. Yes. 8 Q. Can you think of any date or time that that was actually 9 instituted in 2015 or 2016? 10 A. I wasn't there at that time. I don't have the personal 11 knowledge of that. 12 Q. Do you know whether the officers who staffed 6 Old 13 between January of '15 and August of '16 made 14 documentation or tried to escalate issues of the cameras 15 not working or not – like freezing or the visibility 16 being poor? 17 A. I don't have any personal knowledge if they reported 18 that to anyone in that time frame. I was in charge of 19 another area back then. 20 Q. Do you know what anybody who does – is there anybody 21 who you do think has that information? 22 A. Lieutenant Bates. Jason Bates was a command officer 23 there at that time. And Corporal Britton Foreman was 24 involved with the camera systems at that time. 25 So, if there had been a repair request or issue,</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. O'NEILL: Objection. That's outside the scope 2 of the Deposition Notice. 3 You can answer if you know. 4 A. Oh. 5 I know that there has been a battle throughout my 6 career between the sheriff's office and the County with 7 regards to funding. 8 Now, what were the specific asks and needs of that 9 funding that the sheriff himself may have made? I don't 10 have personal knowledge of that, but there's been a 11 financial budgetary struggle my whole career between the 12 County and the sheriff's office. 13 BY MS. PRESCOTT: 14 Q. Do you have any facts today that tell you that this 15 audiovisual equipment was not part of someone's asks 16 once the old – once the new prison program had 17 sputtered out? 18 MR. O'NEILL: Same objection. 19 A. Answer? 20 MR. O'NEILL: Yeah. 21 A. No, I don't have any knowledge of that. 22 BY MS. PRESCOTT: 23 Q. Okay. Do you know either way whether – it sounds like 24 you don't know what the appropriation requests were 25 for –</p>
<p style="text-align: right;">Page 23</p> <p>1 more than likely, they may have been involved. 2 Q. What was the high-level policy stance on dealing with 3 the cameras? 4 I mean, they were problematic. They had been for a 5 long time. And we did hear from Lieutenant Bates that 6 there were – that it was sporadic and, you know, there 7 were issues. 8 What was Wayne County's policy for actually 9 correcting this problem in 2016? 10 A. It's not like anybody ever had a conversation with me 11 and told me, hey, this is how they feel or they view it. 12 I'm willing to speculate to you that, you know, we 13 were supposed to be in a new jail at that time, and the 14 construction of it was halted and stopped, and, you 15 know, the building was a 1920s original building from 16 the old side that did not have this technology. No one 17 had even dreamed of this type of technology. So, all of 18 these things were retrofitted in and we weren't supposed 19 to be in that building any more. 20 Q. Yeah. 21 I know that it had been – am I correct that the 22 sheriff had, as a policy, been asking the County to 23 appropriate more money during this time frame, both for 24 rounds and shifts and people to be on the floors but 25 also for maintenance?</p>	<p style="text-align: right;">Page 25</p> <p>1 A. No, I don't – 2 Q. – that the sheriff might have been making. 3 Do you know whether the sheriff commissioned 4 anybody to assess the state of the camera systems after 5 it became more and more clear that the new jail was not 6 going to happen? 7 A. I don't – wouldn't have personal knowledge if the 8 sheriff directed somebody to do that. If he did, I 9 would assume it would be, you know, IT, the people 10 that – you know, Corporal Foreman, like I've 11 identified. 12 Q. Okay. But you don't know of any? 13 A. I don't know. 14 Q. And are you aware of the basic overall policy, I think 15 starting in around 2011, not to reinvest in maintenance 16 of the old side in favor of building out the new prison? 17 A. What policy number is that? 18 Q. Well, it's not a written policy. It was the policy of 19 the County but – that I think the sheriff either 20 testified to or certainly was made public that they 21 weren't investing in the maintenance of the old 22 building. 23 MR. O'NEILL: Well – 24 BY MS. PRESCOTT: 25 Q. Are you familiar with that?</p>

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<p>Page 26</p> <p>1 MR. O'NEILL: Objection. Foundation. And 2 references facts not in the record. 3 A. No, I'm not aware of that. 4 BY MS. PRESCOTT: 5 Q. Okay. What was the policy with regard to maintenance of 6 the audiovisual equipment after 2011 in the old 7 building? 8 A. You would – if the officer finds a video monitoring 9 failure, like their monitor is not working, they notify 10 shift command. Shift command will tell them to 11 implement 30-minute rounds. 12 Shift command would then notify Corporal Foreman or 13 possibly Lieutenant Bates. I don't know if he had 14 connection with the vendor or not. 15 My understanding is there are some issues that 16 Corporal Foreman is able to fix, but then there are some 17 times that he may have to contact a vendor. 18 But as far as the actual, you know, how it gets 19 fixed, that's their expertise, not mine. 20 Q. Okay. You answered a little bit more on the practical 21 side. I'm talking about the big-picture strategy, the 22 policy of the department on how to deal with the fact 23 that the system as a whole has routine failure. 24 What was the County or the Department's policy with 25 regard to how to deal with that ongoing consistent</p>	<p>Page 28</p> <p>1 operability and put those together perfectly? 2 A. I'm trying to think. 3 So, you're asking if rounds could be matched up to 4 determine if cameras were operating or not – 5 Q. Yeah. In a particular ward. 6 A. – I guess that would be possible. I mean, if they were 7 doing 30-minute rounds, you would have to assume that 8 they were doing the 30-minute rounds due to the camera 9 not being operative, although I'm not sure that 10 necessarily means that. 11 Q. Okay. What if they're doing – what if they're doing 12 60-minute rounds? What then? 13 A. Then the – I would take that to mean that the video 14 monitoring the duty station can monitor is operating and 15 they're getting an image that's cycling through the 16 various cameras and wards. 17 Q. Okay. And can you testify that that's the case? 18 Like if I showed you the month of April in 2016 and 19 said here is the – here is the rounds. Some of them 20 are 60 and some of them are 30. 21 Could you say positively that, okay, yes, that's 22 because those cameras were operative? 23 A. Yes. 24 Q. Okay. So, if I find rounds in – I have documentation 25 of where cameras weren't working, and if I find rounds</p>
<p>Page 27</p> <p>1 failure? 2 A. I don't believe there is a policy. I mean, I think 3 you're talking about a discussion between elected 4 officials that goes on, that's not shared with – you 5 know, the policy directed to me is, if equipment is 6 broken, you notify shift command. You try to get the 7 equipment fixed. You take the, you know, precautionary 8 security measures that you can in the meantime to make 9 it as safe as you possibly can. 10 Q. Fair. 11 And you're a person who is dealing with – you're 12 dealing with the practical reality that you're handed, 13 too. And so I'm just asking a level maybe above that 14 where the people are – like, you know, are we just 15 going to put Band-Aids, Band-Aids and Band-Aids, or are 16 we going to actually cure the patient? 17 And so it sounds like you don't have any 18 information about steps or plans or audits or any 19 intention to fix the underlying problem of the systemic 20 failure; is that correct? 21 A. That's correct. I don't have any knowledge of that. 22 Q. Okay. And could you testify to a given month, you know, 23 that each set of rounds necessarily lines up with this 24 camera failing here or that camera failing here so that 25 we could look at rounds as a way of figuring out camera</p>	<p>Page 29</p> <p>1 that are more than 30 minutes, what is happening in 2 those scenarios? 3 So, like, I'll give you an example. 4 In maximum security, on 607 and 608, the cameras 5 frequently weren't operative and sometimes the rounds 6 were more than 30 minutes. 7 So, what's happening there? 8 A. You're asking me to speculate on a great deal – number 9 of things without knowing all of the facts. 10 There is a lot of things that could be happening 11 there. There could be an emergency somewhere else in 12 the building that officers are responding to. There 13 could be that they didn't know the camera system wasn't 14 operating. It could be that the officer failed, but I 15 don't know the particulars of why that happened without 16 having all the facts. 17 Q. Could it be that the – could there be times where the 18 camera was fine at the beginning of the shift, shift 19 command gives their daily orders; and like, you know, 20 the thing doesn't work for half an hour, and it comes 21 back on then, and so they just maintain their normal 22 hour shifts? 23 A. What that officer is supposed to do is, if I'm sitting 24 there working, and that video monitor goes out, I pick 25 up the phone. I call shift command and say "Sarg, my</p>

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<p style="text-align: right;">Page 30</p> <p>1 video monitor just went out."</p> <p>2 "Okay. Do 30-minute rounds or continuous rounds if</p> <p>3 you're on 5 or 6."</p> <p>4 I hang up the phone.</p> <p>5 Fifteen minutes later, the camera video monitoring</p> <p>6 system comes back on, for whatever reason. I call shift</p> <p>7 command and I say, "Hey, Sarg, my camera system is back</p> <p>8 up. It looks like it's working."</p> <p>9 "Okay. You can go back to doing hour rounds."</p> <p>10 Q. Okay. And so did that happen on 6 Old in August of 2016</p> <p>11 at any point?</p> <p>12 A. I wouldn't know that without seeing reports or logs or</p> <p>13 testimony from somebody saying that.</p> <p>14 I mean, I wasn't there.</p> <p>15 Q. Okay. So, what about occasions where there was people</p> <p>16 who refused overtime or there weren't enough – would</p> <p>17 there be times where people didn't have enough officers</p> <p>18 to have rovers and the right number of people to be</p> <p>19 doing continuous rounds, even if maybe the cameras were</p> <p>20 off?</p> <p>21 A. We're under a jail consent decree that requires minimum</p> <p>22 staffing. And regardless of the staffing or the</p> <p>23 overtime positions, we have positions that we can cut,</p> <p>24 but we have to maintain certain minimum security</p> <p>25 staffing positions and rounds is like the highest</p>	<p style="text-align: right;">Page 32</p> <p>1 continuous and the 30-minute rounds on 5 and 6, was that</p> <p>2 the practice in 2016?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Are you aware of any deviations from the</p> <p>5 requirement to do the 30-minute rounds or continuous</p> <p>6 rounds on Old 6 in 2016?</p> <p>7 A. No.</p> <p>8 MS. PRESCOTT: Just give me a minute to look at my</p> <p>9 notes, please.</p> <p>10 And, Paul, do you know if that e-mail has gone out?</p> <p>11 MR. O'NEILL: Yeah. Yeah, I just sent it to you.</p> <p>12 MS. PRESCOTT: Okay. Thanks.</p> <p>13 MR. O'NEILL: It's two e-mails separate.</p> <p>14 BY MS. PRESCOTT:</p> <p>15 Q. Commander, do you know on how many occasions the folks</p> <p>16 who staff the sixth floor of Old Wayne in 2016 asked for</p> <p>17 assistance with cameras that weren't operative?</p> <p>18 I don't know if I asked that before.</p> <p>19 A. I believe you did.</p> <p>20 And, no, I don't know that.</p> <p>21 Q. Could you testify as to how frequently the cameras were</p> <p>22 inoperative on 6 Old in the month of August 2016?</p> <p>23 A. From what I'm told, it was a lot. I mean, I wasn't</p> <p>24 there, so I don't know, but it was frequent that there</p> <p>25 were mechanical issues.</p>
<p style="text-align: right;">Page 31</p> <p>1 priority.</p> <p>2 In fact, this is in 2016. But, I mean, even</p> <p>3 recently, I've been ordered in at home, off duty on days</p> <p>4 off, that I'm not eligible to be paid for, to report in</p> <p>5 to the jail to work those security positions because we</p> <p>6 cannot staff them.</p> <p>7 So, when it comes to rounds, the rounds are to be</p> <p>8 maintained no matter what. There's minimum staffing for</p> <p>9 the floors. Even if the utility or rover officer is</p> <p>10 cut, those floor officers are responsible for</p> <p>11 maintaining those minimum required rounds.</p> <p>12 And I'm not aware of any time, ever, that we've</p> <p>13 been below staffing to where we can't maintain the</p> <p>14 minimum required rounds up until the point I've even</p> <p>15 come in to work then.</p> <p>16 Q. Okay. That's helpful.</p> <p>17 A couple of moments ago, you said on 5 and 6,</p> <p>18 rounds are either 30 minutes or continuous? Is that</p> <p>19 with the whole floors?</p> <p>20 A. Yes. But the reason being is because of maximum</p> <p>21 security and discipline.</p> <p>22 Q. Okay. And what about protective custody? Is that in</p> <p>23 5 or 6 as well?</p> <p>24 A. They do have protective custody wards on 5 and 6.</p> <p>25 Q. And is this – what you're testifying about, the</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. And when the cameras were operative, were there times</p> <p>2 where they would be on but they wouldn't rotate through</p> <p>3 as well? Like they wouldn't shift the view so that they</p> <p>4 were showing all of the areas?</p> <p>5 A. I don't have specific knowledge of that. That could be</p> <p>6 an issue, but I don't know that. That would be for</p> <p>7 Corporal Foreman or Lieutenant Bates.</p> <p>8 Q. Okay. Fair enough.</p> <p>9 How about – do you know whether they – the</p> <p>10 cameras were – when they were on and when they were</p> <p>11 shifting the view, had good visibility?</p> <p>12 In other words, the quality of the picture, could</p> <p>13 you comment on it in August of 2017 on 6 Old?</p> <p>14 A. I know that I was in charge of a unit that had to do</p> <p>15 some investigating at that time, and we would routinely</p> <p>16 receive video, when it was working, of incidents that</p> <p>17 occurred in the jail, and we were able to use it to</p> <p>18 prosecute cases, to investigate, you know, issues.</p> <p>19 So, the video was quality enough that you could use</p> <p>20 it.</p> <p>21 Q. You could see what was going on?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Was it better or worse at night when the light</p> <p>24 might be different?</p> <p>25 A. Not really – I don't really remember or recall there</p>

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<p>1 being a difference between, you know, night or – light 2 or day – light or dark because you would think with 3 dark you wouldn't see as good, but then sometimes you 4 would have glare. 5 So, I would say it was equal quality either way. 6 Q. Okay. We talked about the video equipment for a bit. 7 And you said that you see the DVR equipment as sort of a 8 different class of issues. 9 What was going on with the DVR equipment in 2016? 10 A. There were mechanical issues with it, maintenance issues 11 where it would fail. It would come back. It would go 12 down. 13 Q. Do you know of times that it was inoperative just 14 because people would unplug it? 15 A. No, I do not – I'm not aware of that. 16 I know that there were times I would get cases to 17 investigate and there would be no video available. So, 18 it wasn't working. 19 Q. Okay. 20 A. So, I'm aware of times that it failed. 21 Q. So, how long of a period was that kind of thing going 22 on, or maybe it's still going on? 23 A. Yeah, I mean, there's been camera issues – we still 24 have them. We had a power outage a few days ago and 25 they were down for a while. So, Corporal Foreman was</p>	<p>1 one unit in 2009 to another investigative unit. So, 2 then in 2017, I got sent to Jail Division I, which does 3 not have cameras, for a three-month period. 4 I went back out to another investigative unit. 5 And then in 2018, October, I was made commander, 6 and I was placed at Jail I. I just came to Jail II here 7 in June of this year. And as the commander there, like 8 I said, there were times we are still having camera 9 issues. 10 Q. Okay. There are policies in place with regard to 11 retaining video evidence; correct? Like there's a 12 certain number of days that video is kept, according to 13 policy; is that right? 14 A. I'm not aware of a sheriff's office policy about that. 15 What number are you referring to? 16 Q. Number 7. 17 Oh, policy. 18 I was referring to – I was talking about the Dep 19 Notice. 20 So, in the Dep Notice we said that speaking to the 21 Defendant's policies and practices regarding retention, 22 reuse, destruction or disposition of video. 23 Do you know of any policies that fit that category? 24 A. The policy for that category is, we're limited by the 25 retention storage capacity.</p>
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<p>1 able to get them fixed. 2 Q. How far back does this issue go? Through your whole 3 career, or did it really like one day in 2010 everything 4 went haywire, or what was your memory? 5 A. Yeah. I'm not sure. I actually was an officer at that 6 jail, but when I worked there, there weren't cameras 7 installed there yet. And so when I left, I went out to 8 an investigative unit as a detective and so they were 9 installed at that time and I was so out of the jail 10 system that I didn't know what was going. 11 So, as far as how far back it goes, I don't know. 12 Corporal Foreman or Lieutenant Bates may be able to 13 answer that. 14 Q. After you came back to Wayne County Jail, was – were 15 the cameras a problem when you returned from the 16 investigative unit? 17 A. Yeah. 18 Like I said, there were times the camera system is 19 inoperable. It's an issue. I mean, where it doesn't 20 work. It's got maintenance issues. It's got 21 compatibility issues. It's – we weren't supposed to be 22 in this jail, and they weren't supposed to be installed 23 in the building that was built in the 1920s. 24 Q. So, when did you come back from that investigative unit? 25 A. It's a little more complicated than that. I went from</p>	<p>1 In the original system, the video would only last 2 like five or six days and then it would rewrite over 3 itself. 4 Now, in some of the newer systems that they've 5 updated since then, it now has about a 30-day capacity. 6 But, as far as us, I mean, we never went in and 7 deleted or destroyed anything. It was just – they 8 would rewrite over itself. 9 So, if an incident occurred, as soon as you find 10 out about the incident, you would look for video. You 11 would download it. You would save it to a disc. You 12 would save it on – you know, wherever you could save 13 it. You know, when you forward a copy over to the 14 investigative unit to investigate it, they have a copy 15 of the video. And then that video is kept with that 16 investigative unit file for – and it depends on the 17 case. 18 I mean, in terms of a CSC, then that video would be 19 kept forever. 20 Q. Sure. 21 A. So, when you talk about retention of evidence, you know, 22 I look at that as downloaded evidence that you've 23 actually recovered or evidence that's on a DVR that you 24 may or may not know about that you need to get off 25 before it's written over.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. Would there be an obligation to record in handwriting 2 things – like, in other words, make a written record of 3 information obtained from a video? 4 In other words, if somebody is at a duty station 5 and they see a prisoner violating a rule or something on 6 the video, do they then have to record all of those 7 observations in writing, or is the video kept, if it's 8 needed, for tickets or discipline? How did that work? 9 A. There's a lot of ways that could go on. 10 I mean, if you're – if I am watching video, and I 11 see somebody commit a crime, commit a rule violation, as 12 a police officer, I can certainly write down in my 13 report, in my log entry that, hey, I witnessed this via 14 video. I observed this. I saw this go on, live or even 15 in recording. 16 As far as the investigator, like, okay, they 17 received the disc. Okay. Now, they watch the disc, and 18 they say, "I've reviewed the disc, and I realized that 19 this occurred. I saw this at this time on this disc." 20 Q. Is there a written policy that speaks to either of those 21 two circumstances, where someone witnesses something on 22 a video or later is the investigator and reviews the 23 video, that says here is where you shall write it down 24 or here is where you must record it? 25 A. I didn't review the report-writing policy, but I know</p>	<p style="text-align: right;">Page 40</p> <p>1 that you hear, see, observe, have knowledge of. 2 And so I think it's – it may be covered in a more 3 broader sense where it's not specifically because you've 4 obtained it, you know, via video. 5 Q. Do you know whether in practice the officers on 6 Old in 6 August 2016 were making reports of that sort, of the 7 things that they were observing, either from audio or 8 visual or even from their rounds? 9 A. Well, yeah. 10 I mean, I know, as the commanding officer of the 11 investigative unit at that time, that there were times 12 where we received incident reports from officers that 13 worked on 6 Old where they witnessed things and they 14 documented those things. And they had log entries in 15 the JMS system and JMS reports for like disciplinary 16 rule violations or just informational. 17 So, I know that that was done during that time. 18 Q. Okay. Do you know if any of those – I think it was IMS 19 at the time and now it's JMS. 20 Do you know if any of those logs still exist from 21 2016? 22 A. I don't have specific knowledge of that system. That 23 would be Corporal Foreman. 24 Q. And would you able to speak to any officers specifically 25 making any particular reports on Old 6 in August 2016?</p>
<p style="text-align: right;">Page 39</p> <p>1 just off the top of my head that one of the things 2 required of a police officer is, you write down what you 3 observe, what you see, what you hear, what you witness, 4 what somebody reports to you that they have seen, heard 5 or witnessed. 6 Q. Okay. So, I'm on Number 8 of the list, and it says: 7 "Speaking to the Defendant's policies and 8 practices in place in August of 2016, applicable 9 to the sixth floor, including Ward 10, with 10 regard to the use of logs, records or other 11 documents of any kind to record information 12 obtained from electronic, video, photographic 13 and audio recordings, armband checks or doors." 14 So, is there any policy number that you think 15 applies to or is included in what I just read out, which 16 is paragraph 8 of the Deposition Notice? 17 A. I'm trying to think. 18 I don't think there's necessarily a specific 19 written policy that covers that exact situation. I 20 think it's more of a general thing of, like I said a 21 minute ago, as a police officer, you're supposed to 22 document what occurs. And if you get that knowledge 23 from a video or from live monitoring of a video screen 24 or from an audio recording, then you document that. 25 And you're required to document, you know, things</p>	<p style="text-align: right;">Page 41</p> <p>1 A. No. Not unless somebody, you know, showed me something. 2 Q. Some of the officers testified, who were working on Old 3 6 on the evening of the assault of my client, that – 4 well, actually, it was, I think, Sergeant Mills. 5 Are you familiar with Edith Mills? 6 A. Yes. 7 Q. So, she was one of the first people to know about the 8 assault, and she went with a partner to the DVR room to 9 go look for footage of what happened to my client. 10 She testified that when they arrived, and her 11 partner testified, that the DVR system was – was 12 unplugged. 13 Do you know whether that's the case or not? 14 A. No, I don't. 15 Q. Do you have any facts suggesting that there's something 16 false about that testimony or anything that you know of 17 that casts doubt on that testimony? 18 A. No. I'm not aware of anything either way. 19 Q. Okay. She and her partner further testified that, when 20 they went back, it looked like it had been eight days 21 that the machine had been unplugged because they went 22 back to when the date was on the last images that were 23 saved on the DVR. 24 Do you know whether that's true or not? 25 A. Going just off of the facts that you just stated to me,</p>

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<p style="text-align: right;">Page 42</p> <p>1 I don't know how they could know if that's true or not 2 because – just because it's unplugged now but yet they 3 didn't find video for eight days, how do they know 4 somebody didn't know the video wasn't working and went 5 back and tried to work on it or something and 6 inadvertently or accidentally or – maybe they even 7 interpreted the wrong wire. 8 I think that's an assumption that we don't know for 9 sure is correct; that it had been unplugged for eight 10 days. 11 Q. Okay. So, it's possible that it was taken out of use, 12 for example, to work on it? 13 A. I guess. Again, I'm not a repair person. I don't know. 14 Q. Fair enough. 15 I guess what I'm asking is, were there times that 16 the DVRs were taken offline in order to work on them? 17 A. I wouldn't know that. That would be a Corporal Foreman 18 issue. 19 I don't operate the DVRs. I don't have access to 20 them. I don't have the – you know, the passwords and 21 things. That's not something that I do. 22 Q. Okay. Relative to – I mean, it certainly would have 23 been required policy that – I mean, that the DVR be 24 used while – to the extent it could be; right? I mean, 25 there is – that's the expectation?</p>	<p style="text-align: right;">Page 44</p> <p>1 secure it based on your prior testimony; correct? 2 A. Yes. 3 Q. And do you know whether any video was ever able to be 4 found of the incident on October – excuse me – August 5 24th, 2016, and the sexual assault of my client? 6 A. No. I'm not aware of any video ever being found with 7 regards to this particular attack. 8 I know that there were videos found of other 9 incidents and other attacks that occurred because we 10 used those to successfully, you know, prosecute those 11 issues. 12 Q. My client – 13 A. And it works. It's a great tool. 14 Q. Yeah. 15 And my client – I mean, the assailant in this 16 situation tried to turn the rape around and accuse my 17 client of rape. 18 So, another thing that they can be used for is 19 disproving allegations, right, against officers, against 20 other prisoners? 21 A. It could be part of that, just like, you know, DNA 22 evidence and testimony and, you know, other evidence. 23 Q. And so it sounds like you found the videos to be a 24 useful tool for prosecution and also security and 25 safety?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. Well, yeah. 2 I mean, if you have equipment that's operable, of 3 course you want to use it. 4 I want to make sure you understand, too. You're 5 not – you know, you're not talking about like a DVR at 6 your home. You're talking about banks and banks and, 7 you know, rows of DVRs all plugged in together in a 8 giant network. 9 Q. Uh-huh. 10 A. You know, we're not talking about just one – one item 11 here. There's a lot there. 12 Q. It's a fair point. 13 Do you have any idea – and I'm on Number 9 of the 14 Deposition Notice. 15 It asks about preservation and disposition of the 16 evidence of videos of my client in August of 2016. 17 Do you know why it would be that the staff – 18 Sergeant Mills would be saying, "We couldn't find any 19 operative pictures going back eight days before the 20 assault, and in between Lieutenant Bates would be 21 auditing and seeing that the equipment was plugged in"? 22 Do you have any facts about any of that? 23 A. No. 24 Q. It would be policy of the department, if a sexual 25 assault was reported, to go immediately to the DVR to</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I find all evidence to be a useful tool for all cases. 2 I mean, it would be great if we had a camera 3 covering every inch of the planet at all times, but it 4 would also kind of be scary, too. I mean, it's all a 5 trade-off. I mean, the inmates aren't necessarily happy 6 about the cameras when, you know, they want to take a 7 shower, use the toilet or things like that. 8 So, you've constantly got this trade-off of 9 where – you know, just like out in the street, we're 10 worried about protecting individuals and their civil 11 rights, but then we're also worried about providing 12 security. 13 Q. Why do – given that – the privacy interests at stake 14 for people going to the bathroom or picking their nose 15 or whatever they're doing in their cell, why are there 16 cameras? Why does the jail come down – it sounds like 17 it's expensive. They're a headache. They're half on 18 and they're half off. 19 Why use them? 20 A. Well, if they save one person – if they prevent one 21 attack, if they prevent one suicide, if they prevent one 22 officer from being hurt, then aren't they worth it? I 23 mean, we – 24 Q. Or one person from being raped? 25 A. We care about the individuals, the inmates and the</p>

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<p style="text-align: right;">Page 46</p> <p>1 staff, that work in our facility.</p> <p>2 We do everything that we possibly can to keep them</p> <p>3 safe.</p> <p>4 That's why we've got medical care. That's why we</p> <p>5 send people out to the hospital. We send people to</p> <p>6 mental health services.</p> <p>7 You know, we physically intervene when we need to</p> <p>8 to save other people. I, as an officer, have been</p> <p>9 injured, helping to prevent inmates from hurting each</p> <p>10 other.</p> <p>11 I have personally stopped sexual assaults, when I</p> <p>12 was an officer, in that same jail.</p> <p>13 We do everything that we possibly can to keep</p> <p>14 people safe. And, you know, if the cameras can be part</p> <p>15 of that, and if they save one person, then they were</p> <p>16 worth all the aggravation and trouble that they may</p> <p>17 cause when they don't work.</p> <p>18 Q. Do you think everything possible was done to keep the</p> <p>19 cameras in 6 Cell – or – excuse me – 6 Old working in</p> <p>20 August 2016 to save my client from being raped?</p> <p>21 A. Under the conditions that we're under with a building</p> <p>22 that was built in the twenties, with the budget</p> <p>23 constraints, with the fact that we weren't supposed to</p> <p>24 be there – we were supposed to be into a new building</p> <p>25 by that time. I believe that the Wayne County Sheriff's</p>	<p style="text-align: right;">Page 48</p> <p>1 justice.</p> <p>2 So, it gets done. The reports get written. They</p> <p>3 get generated. They get sent over to the investigative</p> <p>4 unit, which was my unit that I was in charge of. We</p> <p>5 vigorously pursued and investigated this crime up and to</p> <p>6 even giving polygraph examinations to both parties. And</p> <p>7 we were able to get a successful prosecution on this</p> <p>8 issue.</p> <p>9 Q. I don't disagree. I know that there were some steps</p> <p>10 taken after my client was raped, successful prosecution</p> <p>11 of another inmate.</p> <p>12 A. I wish I could prevent every attack before it occurred.</p> <p>13 They –</p> <p>14 Q. My question was just on that.</p> <p>15 Yeah. My question was what you know about any</p> <p>16 action taken before the rape occurred.</p> <p>17 You said everything that was done that could be</p> <p>18 done was done.</p> <p>19 So, I was wondering what you were referring to, to</p> <p>20 stop the rape from happening in the first place.</p> <p>21 MR. O'NEILL: I just want to place an objection.</p> <p>22 That's outside the scope of subjects of the Deposition</p> <p>23 Notice.</p> <p>24 But the witness can answer if he knows.</p> <p>25 A. I can't prevent something that I don't know was going to</p>
<p style="text-align: right;">Page 47</p> <p>1 Office and its staff members did everything that they</p> <p>2 could to prevent not only that, but any and all</p> <p>3 altercations, rapes, suicides, homicides, anything that</p> <p>4 could possibly occur, because we care about protecting</p> <p>5 life and safety.</p> <p>6 Q. Okay. So, it sounds like your point is, given the</p> <p>7 constraints and that there's budgetary constraints that</p> <p>8 are practical limits on what can be done? Was that part</p> <p>9 of your answer?</p> <p>10 A. Yes.</p> <p>11 Q. And then you said, "They did everything they could."</p> <p>12 Do you know of any steps any officers took to</p> <p>13 protect my client from being raped on August 24th, 2016?</p> <p>14 A. Apparently, from reviewing the internal affairs record,</p> <p>15 once the – an officer was notified, which, from my</p> <p>16 recollection was the following day, I believe, going to</p> <p>17 law library, they immediately got him help. They got</p> <p>18 him medical treatment, which – you know, you have to</p> <p>19 worry about communicable diseases. You have to worry</p> <p>20 about, you know, sexually transmitted diseases, HIV,</p> <p>21 just, you know, trauma, all kinds of things.</p> <p>22 So, by that point, they do what police officers do.</p> <p>23 If they can't stop and prevent the attack, what do we</p> <p>24 do? We get the victim care. We try to preserve and</p> <p>25 secure evidence so that we can bring the guilty to</p>	<p style="text-align: right;">Page 49</p> <p>1 occur. If I could, I would prevent every crime that's</p> <p>2 about to happen, and I would also buy a lottery ticket</p> <p>3 for tonight. And, unfortunately, I can't do either. I</p> <p>4 mean, I can buy a lottery ticket. I just won't win.</p> <p>5 BY MS. PRESCOTT:</p> <p>6 Q. Are there any steps you can identify?</p> <p>7 A. No. I'm sorry. There are – you can't stop</p> <p>8 something you don't know. And as long as you follow the</p> <p>9 policy and procedures and have your due diligence, what</p> <p>10 more can we ask?</p> <p>11 Q. Well, you did it, didn't you? You testified that you</p> <p>12 stopped a sexual assault from happening.</p> <p>13 A. Because I was alerted that it was happening by the man</p> <p>14 yelling. I heard it in my duty station. I was able to</p> <p>15 go down there with my partner, catch him in the act,</p> <p>16 call for help, get in and physically intervene because</p> <p>17 he alerted me to the issue.</p> <p>18 Q. Okay.</p> <p>19 A. You know, and –</p> <p>20 Q. Any steps like that that, for example –</p> <p>21 MR. O'NEILL: Wait. You're interrupting the</p> <p>22 witness.</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Oh, okay. Let's hear –</p> <p>25 A. And, in particular, the incident that I'm recalling from</p>

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<p>Page 50</p> <p>1 my much younger days, not that far but much younger 2 days, was on a small side unit on one of the old sides 3 like that, but on the opposite end. 4 So, it would have been a 1 Ward instead of a 10 5 Ward. But it is an equal distance amount of space from 6 the duty station to the 1 Ward and the 10 Ward. 7 So, I'm in the duty station and I hear the man 8 screaming on the 1 Ward and I'm able to go down and 9 intervene. You know, you've got the same amount of 10 distance on the tenth floor. So, that – 11 Q. Okay. So, your point was that if someone is able to 12 scream, you are able to rush to their aid? 13 A. Yes. 14 Q. Okay. And that's an example of an officer using his 15 senses, his common sense and his sense of duty – 16 A. Yeah. 17 Q. – to take care of somebody. 18 Anything you know about the officers in this 19 scenario that we haven't covered with taking care? 20 A. No. 21 MS. PRESCOTT: That's all the questions I have 22 except for the policies, Paul. 23 So, could we – and I may not have any about the 24 policies. So, can we take about a ten-minute break? 25 MR. O'NEILL: Sure.</p>	<p>Page 52</p> <p>1 MR. O'NEILL: I was going to send them to you so 2 you could send all of them together with them 3 Bates-numbered. 4 MS. PRESCOTT: Yeah. I just have a couple of 5 questions. We don't even need the – I mean, the policy 6 will help but the bottom line is we have an eight-page 7 document. Issue date is 11-10-15, and it's Document 8 Number 14.12. 9 BY MS. PRESCOTT: 10 Q. Is that correct, sir? Commander? 11 A. Yes. 12 Q. Okay. Okay. I just have a quick question about this 13 one on page 4. 14 And right where the cursor is, but you may also 15 find it in the middle of the page, it says: 16 "At no time shall more than 60 minutes 17 elapse before rounds." 18 And then it's also in bold a little bit higher. 19 The other – keeping that in mind, the other thing 20 you did send me is 14.14, a six-page document, issue 21 date 10-2-06, and it talks about continuous rounds on 22 Floors 5 and 6. I have pulled it up, and we have it 23 under 1(b) where I've highlighted the cursor on the 24 screen, but you can also look at it, for day shift. 25 There's also a continuous rounds utility officer</p>
<p>Page 51</p> <p>1 MS. PRESCOTT: And I'll look at them and I'll – 2 you know, the witness can take a break, and we'll come 3 back at about 12:22 – or 2:22. 4 MR. O'NEILL: Okay. 5 (Short recess at 2:12 p.m.) 6 * * * 7 (Record resumed at 2:19 p.m.) 8 BY MS. PRESCOTT: 9 Q. Commander, I've got up here a document which was just 10 sent to me by counsel, and it is Policy 14.12. 11 Is that the one you earlier were describing as 12 applicable to Division II? 13 A. Yes. 14 Q. All right. It isn't Bates-numbered, but we can – let's 15 see. It looks like it's eight pages long; is that 16 correct? 17 A. Yes. 18 Q. And the issue – 19 MR. O'NEILL: Sarah, if it relates to the Bates 20 number, would you give me a day where I can Bates number 21 these two documents and e-mail them to you if you're 22 going to make them a part of the record so that we have 23 Bates-numbered as exhibits to the deposition? 24 MS. PRESCOTT: You mean you're going to send them 25 to John later?</p>	<p>Page 53</p> <p>1 that's mentioned on the second page. It talks about 2 continuous rounds on 4, 5 and 6. 3 So, I just want – my only real question for you 4 is, given that I have these two policies and one says 5 60 minutes, one is a little bit more specific to Floors 6 5 and 6 and talks about continuous rounds, am I correct 7 that the continuous rounds, indeed, are policy for 8 Floors 5 and 6, and the 60-minute rounding is what is 9 applicable elsewhere in the building? 10 A. Actually, the rounds policy is – if the video equipment 11 is working, the monitoring equipment is working, it's 12 60 minutes. 13 If the video monitoring equipment is not working, 14 it's 30 minutes, no more than 30 minutes, no more than 15 60 minutes. 16 If the video equipment is not working on the fifth 17 and sixth floor, they have the continuous rounds due to 18 disciplinary isolation and maximum security. 19 Q. Okay. Is that – and that also applies to the 20 protective custody area? 21 A. They walk the whole floor when they're on continuous 22 rounds, so they also pass those areas, yes. 23 Q. Okay. So, what is what I've got highlighted on the 24 screen when it speaks to a continuous rounds/utility 25 officer? What is that referring to, given that you said</p>

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<p>Page 54</p> <p>1 that there might be times when the cameras are working?</p> <p>2 Does this not apply if the cameras are working?</p> <p>3 A. If you go back to the previous page and look at B,</p> <p>4 you'll see that these are definitions.</p> <p>5 Q. Okay.</p> <p>6 A. That is a definition of what the fifth and sixth floor</p> <p>7 continuous rounds/utility officer is.</p> <p>8 Q. Okay. So, then, let's go to "Procedures, C(1), Day</p> <p>9 Shift and Afternoon Shift."</p> <p>10 And then it says:</p> <p>11 "Floors 5 and 6 shall have one</p> <p>12 rounds/utility officer shared for continuous</p> <p>13 rounds on those floors only."</p> <p>14 A. Yes.</p> <p>15 Q. So, is that what you meant earlier when you said that</p> <p>16 there would be continuous rounds done on the sixth floor</p> <p>17 in 2016?</p> <p>18 A. Yeah. It's – it's if the video equipment is down, and</p> <p>19 then it's to cover like lunch periods.</p> <p>20 Q. I'm not sure I understood your answer.</p> <p>21 Are you saying there weren't continuous rounds on</p> <p>22 4, 5 and 6, or there were?</p> <p>23 A. If the video monitoring equipment is working – let me</p> <p>24 see.</p> <p>25 THE REPORTER: I'm sorry?</p>	<p>Page 56</p> <p>1 implemented or how that was – when I was out in the</p> <p>2 street units.</p> <p>3 Q. Okay. Has the 30-minute rounding in 20- – or – excuse</p> <p>4 me – on Floors 5 and 6, that's with or without the</p> <p>5 cameras being operable, though?</p> <p>6 A. We're doing 30-minute rounds in the entire building now.</p> <p>7 Q. And how long has that been going on?</p> <p>8 A. I don't know for certain. I know the entire time I've</p> <p>9 been the commander there – I want to say at least since</p> <p>10 2018, but it may be longer than that – is when the</p> <p>11 decision was made that the video system was so up and</p> <p>12 down frequently that you didn't know when it was up or</p> <p>13 down due to the DVR recording or due to sometimes the</p> <p>14 cameras not working or not cycling that they just –</p> <p>15 they went to 30-minute rounds, and that's where we've</p> <p>16 been.</p> <p>17 Q. Okay. So, can you speak at all to – I just want to –</p> <p>18 I don't want to belabor it, but I want to go back.</p> <p>19 So, we talked about the actual routines and</p> <p>20 practices of those who staff the sixth floor in the 2015</p> <p>21 through 2016 era.</p> <p>22 So, those two years, '15 and '16. And when the</p> <p>23 functionality of the video equipment was problematic,</p> <p>24 was down, what policy were they following? What were</p> <p>25 they doing?</p>
<p>Page 55</p> <p>1 A. I'm sorry. I'm reading the policy.</p> <p>2 See, this policy here is from 2006.</p> <p>3 This other one is from 2015.</p> <p>4 So, in 2006, according to this policy, if you look</p> <p>5 at it, there would have been continuous rounds in the</p> <p>6 fifth and sixth floor.</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. Okay. But there's no later revision of 14.14 that you</p> <p>9 know of, is there?</p> <p>10 A. No.</p> <p>11 Q. So, as far as you know, the 10-2-06 document is the</p> <p>12 policy as of 20- – well, as of any time; right?</p> <p>13 There's no later policy.</p> <p>14 A. Well, yeah. You've got the rounds policy now.</p> <p>15 Like today. We're doing 30-minute rounds. We're</p> <p>16 not doing continuous rounds on 5 and 6.</p> <p>17 So, you've got the newer – the round – the 14.12.</p> <p>18 So, like even today, we're doing 30-minute rounds</p> <p>19 now. We're not doing continuous.</p> <p>20 Q. Okay. Do you know of any – who decided that 14.14, as</p> <p>21 it's written here, which talks about the continuous</p> <p>22 rounding on 4, 5 and 6 – I've just highlighted it –</p> <p>23 wouldn't be what was done? Instead, it would be</p> <p>24 30-minute rounds?</p> <p>25 A. I don't know how that decision – when that was</p>	<p>Page 57</p> <p>1 Were they doing 30-minute rounds, continuous</p> <p>2 rounds, hour rounds?</p> <p>3 A. I don't have the round verification printout in front of</p> <p>4 me, but I believe it was 30-minute rounds.</p> <p>5 Q. Okay. Even though – and do you think that that was</p> <p>6 consistent with the expectation, the policy, the</p> <p>7 approval of the sheriff and through his chain of</p> <p>8 command?</p> <p>9 A. Yeah.</p> <p>10 Because if you look at 14.12 on page 5, Number 8,</p> <p>11 at the very bottom of Number 8 there, it says:</p> <p>12 "The housing units where the malfunctioning</p> <p>13 occurred shall revert to half-hour rounds until</p> <p>14 the video monitoring equipment has been repaired</p> <p>15 and is in full operation."</p> <p>16 Q. Fair.</p> <p>17 But your point was they were doing half-hour</p> <p>18 rounds.</p> <p>19 You think they were doing half-hour rounds with or</p> <p>20 without the video monitoring in 2015 and '16?</p> <p>21 A. No. That's not what I said. I said since 2018.</p> <p>22 Q. Okay. I keep getting back to my Number 2, which is the</p> <p>23 Number 2 paragraph of the Dep Notice, and that's why</p> <p>24 we're crossing – talking.</p> <p>25 It's speaking about the years 2015 and 2016.</p>

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<p style="text-align: right;">Page 58</p> <p>1 And –</p> <p>2 A. And this round verification policy was written in</p> <p>3 November of '15 and signed by the chief in March of '16.</p> <p>4 Q. Okay. So, let's talk about March of 2016 through</p> <p>5 October of 2016.</p> <p>6 What was going on on the sixth floor if the video</p> <p>7 equipment was working?</p> <p>8 A. Hour rounds.</p> <p>9 Q. I thought you said half-hour rounds?</p> <p>10 A. In 2016 or 2018?</p> <p>11 Q. 2016.</p> <p>12 A. Okay. I told you, at some point, it was determined that</p> <p>13 the video system they could not know fast enough if it</p> <p>14 was up or down with the recording, with the monitoring</p> <p>15 and cycling of the cameras. Some cameras work and some</p> <p>16 not.</p> <p>17 So, they decided to go ahead and go to 30-minute</p> <p>18 rounds for the entire building everywhere. And I don't</p> <p>19 know the exact date that that was decided because I</p> <p>20 wasn't there.</p> <p>21 Q. Okay.</p> <p>22 A. So, if that occurred after the rape, the sexual assault,</p> <p>23 that decision to go to 30-minute rounds, then, in 2018</p> <p>24 or 2016 or whatever, if the video monitoring equipment</p> <p>25 is down, they do 30-minute rounds.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. I would say this policy, 14.12, is approved by Chief</p> <p>2 Dunlap in March of 2016. He signs it and he says that</p> <p>3 is the rounds policy.</p> <p>4 This is the Security Division II, Floor Security</p> <p>5 Rounds Policy.</p> <p>6 Q. Okay. And 14 is the Security Video Monitoring Policy.</p> <p>7 So, did anyone ever –</p> <p>8 A. From 2006.</p> <p>9 Q. – say, "We don't follow 14.14 any more," that you know</p> <p>10 of?</p> <p>11 A. I don't know what he said. I wasn't assigned to the</p> <p>12 jails. I wasn't – when he would give those directions.</p> <p>13 When he put this policy out, I was in a street unit. I</p> <p>14 wasn't – like I didn't even receive it.</p> <p>15 Q. Okay. And speaking for the County in this 30(b)(6)</p> <p>16 weird deposition situation and scenario you find</p> <p>17 yourself in, are you aware of anyone ever retracting</p> <p>18 14.14?</p> <p>19 A. Other than by putting out 14.12, no.</p> <p>20 Q. Well, there's a way to retract a policy, isn't there,</p> <p>21 that says, "14.14 will no longer apply"?</p> <p>22 A. You could do that. I mean, that is a – something you</p> <p>23 could do.</p> <p>24 Q. Okay. Did anyone ever retract 14.12 and say, "We're</p> <p>25 actually doing 30-minute rounds now"?</p>
<p style="text-align: right;">Page 59</p> <p>1 If they're sitting in their duty station and the</p> <p>2 video monitor is working – they can see it cycling</p> <p>3 through – then they would have been required to do hour</p> <p>4 rounds.</p> <p>5 Q. So, what I'm asking is, that – just to – the record is</p> <p>6 getting very complicated.</p> <p>7 Is it the case that you don't know what the</p> <p>8 practice was between March, when the policy was signed,</p> <p>9 and October 1st, 2016?</p> <p>10 The practice. I mean, we've got three pieces of</p> <p>11 paper here, but what they were actually doing on 6. Do</p> <p>12 you know?</p> <p>13 A. The policy for 2016 says if the video equipment is</p> <p>14 malfunctioning, it's 30-minute rounds.</p> <p>15 Q. Okay.</p> <p>16 A. So, if the video equipment is not malfunctioning, it's</p> <p>17 hour rounds.</p> <p>18 Q. And you're saying that because of –</p> <p>19 A. The 2015 policy.</p> <p>20 Q. The 11 – the 14.12?</p> <p>21 A. Yes.</p> <p>22 I'm sorry. I –</p> <p>23 Q. Who decided that they were going to follow 14.12 instead</p> <p>24 of 14.14, where it says, "Floors 5 and 6 will have</p> <p>25 continuous rounds"?</p>	<p style="text-align: right;">Page 61</p> <p>1 A. It says it right here on page 8, where it says:</p> <p>2 "The housing units where the malfunction</p> <p>3 occurred shall revert to half-hour rounds</p> <p>4 until the video monitoring equipment has been</p> <p>5 repaired and is in full operation."</p> <p>6 The video monitoring equipment is malfunctioning.</p> <p>7 Q. Okay. But it's been malfunctioning for many, many</p> <p>8 years; right?</p> <p>9 A. Yes.</p> <p>10 Q. It's just that some day someone decided, look, this</p> <p>11 whole system is so unreliable, let's just do the</p> <p>12 30-minute rounds?</p> <p>13 A. Yes.</p> <p>14 Q. And they relied on this from 11-10-15?</p> <p>15 A. That's the policy now.</p> <p>16 Q. Right.</p> <p>17 And so what stopped them on 11-11-15 saying, "You</p> <p>18 guys. It says here at the bottom of paragraph 8, if</p> <p>19 there's malfunction going on, we should be doing</p> <p>20 half-an-hour rounds. And there's just nothing but</p> <p>21 malfunctions. Some days they're up. Some days they're</p> <p>22 down. These cameras just aren't reliable"?</p> <p>23 Did anything stop anyone from using paragraph 8 as</p> <p>24 of 11-11-15 to start doing half-an-hour rounds?</p> <p>25 A. We are doing half-an-hour rounds.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Well, I know, but you weren't – according to you, you 2 weren't in '15 and '16. 3 MR. O'NEILL: Excuse me. Objection. 4 Mischaracterizes his testimony. He said they were doing 5 30-minute rounds in '15 and '16 if the cameras weren't 6 working. 7 BY MS. PRESCOTT: 8 Q. So, did you understand my question, Commander? 9 A. I stated earlier, if the video equipment doesn't work, 10 they do 30-minute rounds. I also stated that, at a 11 certain point, it was decided above me that they were 12 going to just do 30-minute rounds at Jail Division II, 13 and I was not sure what that date was. 14 But I, at least – believe it was at least 2018. 15 Q. Do – 16 A. Now, do you have a round verification printout from 17 6 Old for that day? 18 Q. Do you have anybody that you – that you know made that 19 decision that affected 2018? 20 Do you know the name of a person who would have 21 made the 2018 shift in policy? 22 A. It came above me. It could have been a deputy chief. 23 It could have been the chief, the sheriff, the 24 undersheriff. 25 It would have been above me.</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. O'NEILL: All right. I just have one follow-up 2 question. 3 * * * 4 EXAMINATION 5 BY MR. O'NEILL: 6 Q. Commander, you were asked about policies and practices 7 of the security staff on the day of the attack by 8 Mr. Solomon of Mr. Burks, what, if anything, the floor 9 officers did that could have prevented that. 10 Is rounding – does rounding act as a deterrent to 11 sexual assaults such as Mr. Burks suffered? 12 A. Yes. 13 It's just like on the street. When you've got, you 14 know, officer presence, that deters people from – you 15 know, you've got an officer there in uniform that is 16 deterring people from committing assaultive acts. You 17 know, you've got an officer that's there with their 18 senses, looking. Hey, does this guy look nervous? Does 19 this guy look afraid? Does this man or woman look 20 scared? Are they crying? Do they look depressed? Are 21 they going to harm themselves? Are they going to harm 22 somebody else? Do they need to see the nurse? 23 You're looking for all these signs and symptoms 24 that, hey, is it just too quiet on this ward? Is it too 25 loud on this ward? You know, you're using all of these</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Okay. And you don't know – but you would point to the 2 second – the third sentence of paragraph 8 as the basis 3 for what's going on now? 4 A. If you're asking me my opinion, yes. 5 Q. Well, I'm asking you as the person that's designated to 6 sit here, unfortunately for you. I hope it's not too 7 unfortunate, but you're the person that the County 8 designated. 9 A. Okay. 10 Q. And so I'm trying to figure out, speaking for the 11 County, you're pointing to the third paragraph of 8 as 12 the reason that we can be doing half-hour rounds right 13 now, right? 14 A. Yes. 15 Q. And as the County – speaking for the County, do you – 16 is there any reason that half-an-hour rounds weren't 17 going on after 11-10-15 based on the very same reasoning 18 in paragraph 8? 19 A. The only reason could be that the video monitoring 20 equipment was working correctly. 21 Q. Do you know? 22 A. No. I don't have personal knowledge of that. 23 Q. And – okay. 24 MS. PRESCOTT: That's all the questions that I 25 have. I appreciate your time.</p>	<p style="text-align: right;">Page 65</p> <p>1 things to try and make sure that nothing is going to go 2 on. And even the cameras, themselves, whether they work 3 or don't work, the cameras simply being there are a 4 deterrent to the inmates' destructive behavior. 5 Q. And how about the officer sitting at the duty station, 6 listening to the activity on the wards? Is that a 7 function of preventing sexual assault? 8 A. It certainly is. 9 I mean, the officer in the duty station, actually 10 he can control a lot of what goes on in those wards 11 because he's got an intercom system where he can not 12 only speak to the inmates but – again, you know, it's a 13 little bit of a distance but you can yell down. The 14 sound echoes. It's concrete. It's steel. 15 And, you know, often a ward will get a little too 16 loud. You'll flash the lights. "Hey, guys, quieten 17 down." 18 You'll hear – maybe they're roughhousing. 19 "Hey, guys, stop it. I don't want to have to come 20 down there and lock you down. I'm going to turn the TV 21 off. You've got to behave." 22 So, just them knowing, yeah, the deputies are here, 23 they are paying attention is a deterrent. 24 MR. O'NEILL: Thank you. Nothing further. 25 * * *</p>

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1 RE-EXAMINATION
2 BY MS. PRESCOTT:
3 Q. Do you know if anyone flashed any lights or used any
4 intercom or used their five senses on August 24th, 2016,
5 in any of the ways you just described, sir?
6 A. I don't have any personal knowledge of that.
7 MS. PRESCOTT: I appreciate it. That's all I need.
8 Thank you.
9 MR. O'NEILL: Thank you. We're done.
10 I'll get Mr. Foreman.
11 MS. PRESCOTT: Okay. Thank you.
12 (Deposition concluded at 2:40 p.m.)
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1 STATE OF MICHIGAN)
2 COUNTY OF OAKLAND)
3 CERTIFICATE OF NOTARY PUBLIC
4 I do hereby certify that the witness, whose
5 attached testimony was taken in the above matter, was
6 first duly sworn to tell the truth; the testimony
7 contained herein was reduced to writing via remote
8 attendance of the witness by means of stenography;
9 afterwards transcribed; and is a true and complete
10 transcript of the testimony given.
11 I further certify that I am not connected by blood
12 or marriage with any of the parties; their attorneys or
13 agents; and that I am not interested, directly or
14 indirectly, in the matter of controversy.
15 In witness whereof, I have hereunto set my hand
16 this day at Highland, Michigan, County of Oakland, State
17 of Michigan on Tuesday, January 19, 2021.
18
19
20
21 _____
22 John J. Slatin, RPR, CSR-5180
23 Certified Shorthand Reporter
24 Notary Public, Oakland County, Michigan
25 My commission expires: July 25, 2023